

DEC 02 2005

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF TENNESSEE, WESTERN DIVISION AT MEMPHISAFTER HOURS DEPOSITORY
Thomas M. Gould, Clerk
U. S. District Court
W. D. OF TN, Memphis

LUCILLE PITTMAN, by and
through her Next Friend and Attorney-in-Fact,
VIOLA P. SYKES,

Plaintiff,

v.

NO. 04-3003-DP
JURY DEMANDER

MOHAMAD J. AKBIK, M.D.;
MOHAMAD J. AKBIK, M.D., P.C.;
GREGORY EUGENE VANDEVEN, M.D.;
SARAH GRIFFIN, R.N.;
KAREN FRANKLIN, L.P.N.;
KATHY WESSELS, R.N.; and
DMC-MEMPHIS, INC. d/b/a DELTA MEDICAL CENTER,

Defendants.

MOTION TO AMEND THE COMPLAINT PURSUANT TO FED. R. CIV. P. 15

COMES NOW the plaintiff, LUCILLE PITTMAN (hereinafter referred to as "Plaintiff"), by and through her Next Friend and Power of Attorney, VIOLA P. SYKES, pursuant to FED. R. CIV. P. 15, and moves this Court for an order allowing her to file and serve the second amended complaint (a copy of which is attached as Exhibit "A" to the Memorandum in Support of Motion to Amend the Complaint Pursuant to FED. R. CIV. P. 15). Plaintiff relies upon the memorandum and Certificate of Consultation filed contemporaneously herewith.

WHEREFORE, pursuant to FED. R. CIV. P. 15, Plaintiff moves the Court for an order allowing her to file and serve the second amended complaint (a copy of which is attached as Exhibit "A" to the Memorandum in Support of Motion to Amend the

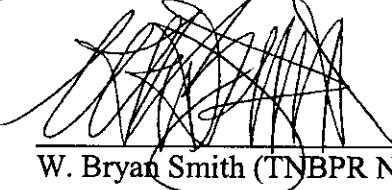
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Complaint Pursuant to FED. R. CIV. P. 15); and submits that pursuant to FED. R. CIV. P. 15(c)(1) the second amended complaint should relate back to the original filing date as it is within the applicable statute of limitations.

Respectfully submitted:

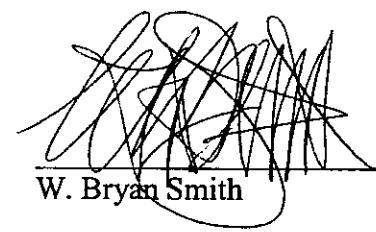
THE COCHRAN FIRM – MEMPHIS
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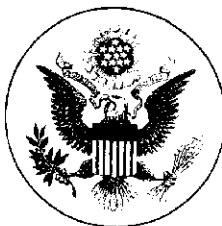
By:


W. Bryan Smith (TNBPR No. 18230)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded U.S. Mail postage prepaid to Effie V. Bean, Thomason, Hendrix, Harvey, Johnson & Mitchell, 2900 One Commerce Square, Memphis, TN 38103; Thomas Pinckney, Esq., Howell & Fisher, PLLC, Court Square Building, 300 James Robertson Parkway, Nashville, TN 37201; and Kimberly Shields, Esq., The Hardison Law Firm, 119 So. Main, Suite 300, Memphis, TN 38103, on this the 3rd day of December, 2005.


W. Bryan Smith



Notice of Distribution

This notice confirms a copy of the document docketed as number 110 in case 2:04-CV-03003 was distributed by fax, mail, or direct printing on December 29, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT